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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,531	04/02/2001	Earl Hennenhoefer	0050936-000018	9420

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EXAMINER	
SALCE, JASON P	

ART UNIT	PAPER NUMBER
2623	

NOTIFICATION DATE	DELIVERY MODE
05/19/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No.	Applicant(s)	
	09/824,531	HENNENHOEFER ET AL.	
	Examiner	Art Unit	
	Jason P. Salce	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-5,10 and 11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-5 and 10-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 2-5 and 10-11 have been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

This application contains claims 1 and 6-9 drawn to an invention nonelected with traverse in the reply filed on 6/15/2007. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01. The restriction requirement is made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 4-5 and 10-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sutton, Jr. (U.S. Patent No. 5,968,118) in view of Campbell et al. (U.S. Patent No. 7,068,682) in further view of Flickner et al. (U.S. Patent Application Publication 2001/0037512).

Referring to claim 2, Sutton, Jr. discloses a wideband signal distribution system (**see Figure 2**) for distributing a plurality of RF modulated signals (**see Column 3, Lines**

43-55 for transmitting a plurality of RF modulated signals) on 569 standard wiring (**see coax wire 56 in Figure 2**).

Sutton Jr. also discloses at least one intelligent device (**see wall mounted information outlet 52 in Figure 2**) for demodulating single frequency carrier RF signals off of said wideband signal distribution system (**see Figure 2 for receiving RF signals from coax cable 56 and Column 3, Lines 13-15 for the information outlet 52 containing the electronic needed for several modulators or demodulators in order to separate the signals output from ports 78, 81-84, 86 and 88**), wherein said single frequency RF signals comprise digital information (**see Column 3, Lines 53-55 for receiving and outputting data signals from a computer or terminal device 74 or server 20**), said at least one intelligent device including an RF splitter suitable for splitting said modulated frequency RF signal into a digital signal portion containing said address information (**again note Figure 2 for the information outlet 52 accepting a plurality of modulated frequency RF signals from coax cable 56 and separating (splitting) computer data signals at port 84 from the RF signals**) and a non-IP RF modulated signal (**see Figure 2 for information outlet 52 separating (splitting) the RF modulated signals into a non-IP RF modulated signal at television output port 78**), and a demodulator electrically connected to an output of said RF splitter for demodulating the digital signal portion split by said RF splitter (**see Column 3, Lines 13-15 for the information outlet 52 containing the electronics needed for several modulators or demodulators in order to separate the signals output from ports 78, 81-84, 86 and 88**).

Although Sutton, Jr. teaches that an information outlet 52 in Figure 2 is capable of splitting analog television signals from digital computer signals, Sutton, Jr. is silent as to the electronics contained in the information outlet 52, thereby failing to teach that the information outlet 52 contains a bandpass filter for filtering a predetermined band of the RF signal form the IP digital signal portion.

Campbell teaches an intelligent device used to separate analog and digital signals, wherein the intelligent device includes a bandpass filter (**in conjunction with a splitter**) for separating the analog and digital signals (**see diplex filter 34 in Figure 4 and Column 4, Line 64 through Column 5, Line 16**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the information outlet 52, as taught by Sutton Jr., using the intelligent device components (bandpass filter and splitter), as taught by Campbell, for the purpose of providing a process to efficiently route analog and digital signals, as well as providing cable reuse so as to keep digital service installation to a minimum (**see Column 1, Lines 38-43 of Campbell**).

Although Sutton, Jr. and Campbell teach receiving information from a computer over a network (**see Column 3, Lines 50-55**), Sutton Jr. and Campbell are silent as to the specific protocol used to encapsulate the information transmitted from a computer over the network.

Flickner discloses a bandpass filter/splitter 50 used for separating RF signals (**non-IP signals**) from DOCSIS digital signals (**IP signals**) (**see Figure 3 and Paragraphs 0033-0035**).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the information outlet 52 and bandpass filter 34, as taught by Sutton, Jr. and Campbell, to include the bandpass filter, as taught by Flickner, for the purpose of providing a receiving device that meets the various interface specification and provides a more efficient design (**see Paragraph 0009 of Flickner**).

Referring to claim 4, Sutton, Jr. discloses that said at least one intelligent device uses an existing media control access layer of a network through which said wideband signal distribution system and said at least one intelligent device are connected (**see Figure 2**) in order to control the sharing of media channels among multiple addressable devices in said signal distribution system (**the examiner notes that since Sutton, Jr. uses the existing media control access layer in the form of the pre-existing coaxial cable 56 in addition to combining multiple signals (from headend 62, telephone headend 22 and server 20) and transmitting these signals over the pre-existing coaxial cable 56 that this clearly represents using an existing media control access layer to distribute the plurality of incoming video, data or telephony signals to the multiple addressed devices (computer has a network address as well as a telephone)**).

Referring to claim 5, see the rejection of claims 2 and 4.

Referring to claims 10-11, Flickner also discloses that the intelligent device comprises an RF level control circuit configured for conditioning said non-IP RF modulated signal split by said RF splitter to be within a predetermined specification (**see Figure 7 for video tuner 162, NTSC circuit 164 and FAT IF circuit 166 that can each be used to condition an RF signal to be within a predetermined specification**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton, Jr. (U.S. Patent No. 5,968,118) in view of Campbell (U.S. Patent No. 7,068,682) in further view of Flickner et al. (U.S. Patent Application Publication 2001/0037512) in view of Grau et al. (U.S. Patent No. 5,862,451).

Referring to claim 3, Sutton, Jr., Campbell and Flickner disclose all of the limitations in claim 2 as well as at least one addressable device having at least one input and at least one output (**note either computer 74 or telephone 72 in Figure 2**), but fail to teach a COS identification processor for determining a quality of service needed for said IP digital signal portion.

Grau teaches a COS identification processor for determining a quality of service needed for said IP digital signal portion (**see Column 15, Line 31 through Column 16,**

Line 20 for teaching a CCU used to determine a quality of service from a channel request and selecting a channel for assignment).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the IP data distribution system, as taught by Sutton, Jr., Campbell and Flickner, to include the quality of service determination functionality, as taught by Grau, for the purpose of minimizing disruptions in the transmission of data wherein minimum requirements for certain services can be guaranteed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/
Primary Examiner, Art Unit 2623

Jason P Salce
Primary Examiner
Art Unit 2623

May 13, 2008